

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

DAVID BARRON,	:	Case No. 1:23-cv-591
	:	
Petitioner,	:	
	:	
vs.	:	Judge Susan J. Dlott
	:	Magistrate Judge Peter B. Silvain, Jr.
	:	
JENNY HILDEBRAND, WARDEN	:	
MADISON CORR. INSTITUTE,	:	
	:	
Respondent.	:	

DEFICIENCY ORDER

David Barron, a state prisoner, recently submitted a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254. The case has been referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b) and this Court’s General Order 22-05.

Two issues must be resolved before this case can proceed. **First**, the filing fee for a habeas corpus case is \$5.00. 28 U.S.C. § 1914(a). Petitioner must pay the \$5.00 filing fee, or, if he does not have sufficient funds to pay the fee, he may submit an application to proceed *in forma pauperis* and without paying the fee. *See* Rule 3(a), Rules Governing Section 2254 Cases in the United States District Courts (the “Habeas Rules”).

Second, Rule 2 of the Habeas Rules anticipates that a habeas corpus petition will be made on a standard form (or substantially follow the standard form) so that all the required information is provided to the Court. A petition must also be signed under penalty of perjury. (*Id.*). The petition submitted here is not on the standard form, does not provide all the required information, and is not signed under penalty of perjury. (*See* Doc. 1).

To proceed further in this case, Petitioner must do two things. He must:

(1) pay the \$5.00 filing fee or submit an application to proceed *in forma pauperis*;

and

(2) fill out the standard form for a habeas corpus petition, sign it under penalty of perjury, and submit it to the Court.

Petitioner is **ORDERED** to both of these things **within thirty days**. If he does not do so, his case may be dismissed for failure to prosecute.

To assist Petitioner, the Clerk of Court is **DIRECTED** to send him the forms he may need to proceed: a blank copy of the application to proceed *in forma pauperis*, and a blank copy of the standard form for a habeas corpus petition under § 2254.

Petitioner is **ADVISED** that he must keep this Court informed of his current address and promptly file a Notice of New Address if he is released or transferred.

IT IS SO ORDERED.

September 20, 2023

/s/ Peter B. Silvain, Jr.

PETER B. SILVAIN, JR.

UNITED STATES MAGISTRATE JUDGE